

# Agenda

**REVISED**



## Tempe City Council

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Harry E. Mitchell Government Center

Municipal Building

Council Chambers

31 East Fifth Street

7:30 P.M.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

**August 5, 2004**

1. **INVOCATION – Councilmember Arredondo**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES – Councilmember Carter**
  - A. Approval of Council Meeting Minutes
    1. Council Executive Session – June 10, 17 & 23, 2004
    2. Council Issue Review Session – June 17 and 23 & July 22, 2004  
[20040805clrkck01.pdf](#) [20040805clrkck02.pdf](#) [20040805clrkck07.pdf](#)
    3. Formal Council Meeting – June 17 & 23, and July 15 & 22, 2004  
[20040805clrkck03.pdf](#) [20040805clrkck04.pdf](#) [20040805clrkck05.pdf](#)  
[20040805clrkck06.pdf](#)
    4. Council's Transit, Light Rail & Development Services Committee – June 15, 2004  
[20040805tlrds.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    5. Community Special Events Task Force – July 20, 2004 [20040805csetf01.pdf](#)
    6. Mayor's Committee on Prevention and Community Resources – June 21, 2004  
[20040805cpcr01.pdf](#)
    7. Redevelopment Review Commission – June 15, 2004 [20040805rrc01.pdf](#)
4. **REPORTS AND ANNOUNCEMENTS**
  - A. Mayor's Announcements
    - **DELETED**
    - Introduction of Sister Cities Student Delegates
  - B. Manager's Announcements

## 5. CONSENT AGENDA

All items listed on the Consent Agenda will be considered as a group and will be enacted with one motion by the City Council. None of these items will be discussed unless a Councilmember removes an item or a citizen requests that a public hearing item be removed for separate consideration. Public hearing items are designated by an asterisk (\*). Items scheduled for a Introduction/First Public Hearing will be heard, but will not be voted upon, at this meeting.

'q-j' indicates items that are quasi-judicial. The City Council sits as a quasi-judicial body when hearing variances. When sitting as a quasi-judicial body, the City Council must conduct itself as a court, not as a legislative body. This means that any materials or conversations concerning the variance can only be presented to the City Council at the scheduled public hearing. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited.

### A. Miscellaneous

8. Request approval of the First Amendment to the Downtown Tempe Community (DTC) Parking Management Contract.

DOCUMENT NAME: [20040805casv01.pdf](#) COMM DEV/REDEVELOPMENT  
ADMIN (0403-01)

9. Request approval of the First Amendment to the Improvement District Project No. 28769 Contract for Downtown Tempe Enhanced Services.

DOCUMENT NAME: [20040805casv02.pdf](#) COMM DEV/REDEVELOPMENT  
ADMIN (0403-01)

10. DELETED

11. Request approval of the Boardmembers and Alternates for the Valley Metro/RPTA Board and the Valley Metro Rail Board.

**COMMENTS:** *Valley Metro/RPTA* is responsible for bus and transit services. Board members must be an elected official from their respective city or agency. Recommended Tempe board member/alternates to the Valley Metro/RPTA Board are:

Board Member: Hugh Hallman, Mayor

First Alternate: Leonard Copple, Councilmember

Second Alternate: Mark Mitchell, Vice Mayor

*Valley Metro Rail* is the public non-profit corporation that oversees the design, construction and operation of the light rail system. It is comprised of appointed representatives from light rail cities Glendale, Phoenix, Mesa and Tempe. Recommended Tempe board member/alternates to the Valley Metro Rail Board are:

Board Member: Hugh Hallman, Mayor

First Alternate: Leonard Copple, Council member

Second Alternate: City of Tempe Transportation Commission Chair

Third Alternate: Glenn Kephart, Public Works Manager

DOCUMENT NAME: [20040805pwcdl01.pdf](#) PUBLIC TRANSIT (1106)

12. Request approval of *First Addendum* to the City of Tempe New Markets Tax Credit Application and Program Development Agreement.

COMMENTS: Total cost of the contract is \$80,000.

DOCUMENT NAME: [20040805edjs01.pdf](#) ECONOMIC DEVELOPMENT PROGRAM (0111-03)

13. Request approval of a Final Subdivision Plat for Curry Commercial Plaza located at 914 North Scottsdale Road.

COMMENTS: (Richard Kohan, Scottsdale Curry LLC, property owner) #SBD-2004.36 for a Final Subdivision Plat consisting of one (1) lot on 0.72 net acres.

DOCUMENT NAME: [20040805dsrl05.pdf](#) PLANNED DEVELOPMENT (0406)

14. Request approval of an Amended Final Subdivision Plat for Autoplex Center IV located at 1433 West Auto Drive.

COMMENTS: (Chamberlain Family Trust, property owner) #SBD-2004.35 for an Amended Final Subdivision Plat consisting of two (2) lots on 3.02 net acres.

DOCUMENT NAME: [20040805dsd2k06.pdf](#) PLANNED DEVELOPMENT (0406)

- \*15. This is a public hearing for the approval of a Series 12 Restaurant Liquor License for Maselli Enterprises, LLC, dba Maselli's Pizzeria, 1835 E. Guadalupe Road, D-111.

COMMENTS: Miachel L. Maselli, Agent

DOCUMENT NAME: [20040805LIQ1.pdf](#) LIQ LIC (0210-02)

- \*16. This is a public hearing for the approval of a Series 6 Bar Liquor License for Margarita Rocks, Inc., dba Balboa Bar and Grill, 404 S. Mill Avenue, #C101.

COMMENTS: Brett Carr, Agent

DOCUMENT NAME: [20040805LIQ2.pdf](#) LIQ LIC (0210-02)

B. Award of Bids

17. Request to award a Construction Manager at Risk Design Phase Services contract to Oakland Construction Company, Inc., for the North Tempe Multi-Generational Center.

COMMENTS: Total amount not to exceed \$36,431.

DOCUMENT NAME: [20040805PWDR01.pdf](#) COMMUNITY SERVICES ADMINISTRATION (0701-01) PROJECT NO. 6300291

18. Request to award a two-year contract with two (2) one-year renewal options to Maintenance Mart, Unisource, and Janet Oriole Supply for janitorial supplies.

COMMENTS: Total cost for this contract shall not exceed \$200,000 during the initial contract period.

**DOCUMENT NAME:** [20040805fslg01.pdf](#) **PURCHASES (1004-01) IFB#04-021RB**

19. Request to award a one-year contract with two (2) one-year renewal options to Fluoresco Lighting and Signs for sign faces, cabinets and labor.

**COMMENTS:** Total cost for this contract shall not exceed \$100,000 during the initial contract period.

**DOCUMENT NAME:** [20040805fslg03.pdf](#) **PURCHASES (1004-01) IFB#04-099**

20. Request to award a one-year contract with two (2) one-year renewal options to Dave Bang Associates, Inc., for picnic tables.

**COMMENTS:** Total cost for this contract shall not exceed \$150,000 during the initial contract period.

**DOCUMENT NAME:** [20040805fsdl04.pdf](#) **PURCHASES (1004-01) IFB#04-125**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

\*21. DELETED

- q-j \*22. This is the **introduction and first public hearing** for an Amended Final Plan of Development for Great Wall Super Buffet, located at 4455 South Rural Road. **The second public hearing is set for August 19, 2004.**

**COMMENTS:** (Perry Pavlina, property owner) **#SFP-2004.47** for an Amended Final Plan of Development for Site D-1, Lake Country Plaza, consisting of an existing 6,536 net s.f. restaurant on 1.22 acres, including the following:

Variances:

1. Reduce the minimum required parking spaces from 87 to 79.
2. Waive the required landscape islands at the end of parking aisles along the east property line and the required landscape islands to separate rows of more than fifteen (15) along the north and east property line. (Ord. 808 Sec. 3-206)

**DOCUMENT NAME:** [20040805dsrl02.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*23. This is the **introduction and first public hearing** for McClintock Animal Clinic for an Amended General and Final Plan of Development for a veterinary clinic located at 1836 East Elliot Road. **The second public hearing is scheduled for August 19, 2004.**

**COMMENTS:** (Joel & Nancy Higginbotham property owners; Dr. Tracy Wright, business owner) **#SGF-2004.53** for an Amended General Plan of Development for Capistrano Village consisting of 30,361 square feet on 5.00 net acres, and a Final Plan of Development for McClintock Animal Clinic consisting of 5,650 square feet on 1.19 net acres, including the following:

**DOCUMENT NAME:** [20040805dsrl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- \*24. This is the **second public hearing** for an ordinance authorizing the City to lease the existing ATM sites located at 915 South Rural Road to Bank One.

**DOCUMENT NAME:** [20040805ds1s01.pdf](#) **ATM LEASE TO BANK ONE (0903-51)**  
Ordinance No. 2004.30

- \*25. This is the **second public hearing** for a zoning change from C-1 to I-1 and an office/warehouse site plan for Elliot Corporate Center at 675 West Elliot Road.

**COMMENTS:** (Sun State Builders, property owner) **#ZON-2004.05 ORDINANCE 808.2004.05** for a zoning change from C-1, Neighborhood Commercial to I-1, Light Industrial, on 2.20 gross acres. **#SIP-2004.42** for a Site Plan consisting of 83,000 s.f. for office/warehouse use on 1.73 net acres.

**DOCUMENT NAME:** [20040805dsd2k01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*26. This is the **second public hearing** for the historic designation of the Selleh Residence located at 1104 South Mill Ave.

**COMMENTS:** (Jean W. Selleh, property owner) **#HPO-2004.46** for the designation of the Selleh Residence as an historic property, a single-family residential home. Per Chapter 14A "Historic Preservation" of the Tempe City Code, the application approved by the Historic Preservation Commission must also be approved by the Planning & Zoning Commission and City Council.

**DOCUMENT NAME:** [20040805dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*27. This is the **second public hearing** for an ordinance authorizing the Mayor to execute agreements terminating the Express Scripts Improvement Lease and conveying the property back to the Kenneth H. Dart Family Trust.

**DOCUMENT NAME:** [20040805casv03.pdf](#) **EXPRESS SCRIPTS (0403-05-02)**  
Ordinance No. 2004.31

- \*28. This is the **second public hearing** for an ordinance authorizing the Mayor to execute a Special Warranty Deed conveying City Property to Hayden Ferry Lakeside, LLC.

**DOCUMENT NAME:** [20040805casv04.pdf](#) **RIO SALADO MASTER PLAN (0112-07-03)** Ordinance No. 2004.32

E. Resolutions

29. Request approval of a resolution authorizing a Development Agreement with Motorola Computer Group.

**COMMENTS:** This development agreement between Motorola Computer Group (MCG) and the City of Tempe resulted as part of a business retention plan to keep the worldwide headquarters of the Motorola Computer Group in Tempe.

**DOCUMENT NAME:** [20040805edsws.pdf](#) **ECONOMIC DEVELOPMENT PROGRAM (0111-03) RESOLUTION NO. 2004.76**

30. Request approval of two resolutions authorizing federal aid requests through the Transportation Equity Act for the 21<sup>st</sup> century (TEA-21) Enhancements Program (Round XII) for the City of Tempe Bike Station and Crosscut Canal Multi-Use Path Phase II.

**DOCUMENT NAME:** [20040805pwei01.pdf](#) **BICYCLE (1102) RESOLUTION NO. 2004.73 and RESOLUTION NO. 2004.74**

31. Request approval of a resolution authorizing the Mayor to enter into an Intergovernmental Agreement between the Arizona Board of Regents and the City of Tempe to facilitate mixed use (commercial/retail, residential, and educational) development on the Arizona State University campus.

**COMMENTS:** The Board of Regents is acting for and on behalf of Arizona State University. The Intergovernmental Agreement outlines the responsibilities of the parties.

**DOCUMENT NAME:** [20040805dscm01.pdf](#) **ARIZONA STATE UNIVERSITY (0109-02) RESOLUTION NO. 2004.75**

6. **NON-CONSENT AGENDA**

7. **CURRENT EVENTS/COUNCIL ANNOUNCEMENTS**

8. **PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on the City Council agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on the agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes will not be allowed during formal meetings.

Members of the public attending City Council meetings shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

***SCHEDULED PUBLIC APPEARANCES:***

- Mike Nasco, 119 E. 7<sup>th</sup> Street, Tempe, re: Tempe Community WiFi Alliance Update